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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,103	08/15/2000	Patrick McErlean	FKC-100US	1503
23122	7590	07/30/2004	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			BOUTAH, ALINA A	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/640,103

Applicant(s)

MCERLEAN, PATRICK

Examiner

Alina N Boutah

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "12" has been used to designate "email," "web form," and "SMS." Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: there are numerous grammatical errors in the specification and the claim. Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 2, the terms "the or each" render the claim indefinite because it is unclear whether the limitation following the terms are part of which claimed invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,424,997 issued to Bushkirk, Jr. et al. (hereinafter referred to as Bushkirk) in view of USPN 6,385,619 issued to Eichstaedt et al. (hereinafter referred to as Eichstaedt).

Regarding claim 1, Bushkirk teaches an electronic message processing system arranged to receive electronic messages, the system comprising:

means for storing a plurality of rules (figure 2: 125);

a text analyzer (figure 1: classifier and action selector);

a rule engine associated with the text analyzer and with rule storage means, the text analyzer and the rule engine being co-operable to apply one or more rules the content of a

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received electronic message and to generate one or more results based on the application of each rule (figures 1 and 2; abstract; col. 4, lines 6-36);

a classification module co-operable with the text analyzer and the rule engine and arranged to classify the electronic message into one or more message categories based on said one or more results wherein the rules are arranged into a plurality of rule sets, the classification module being arranged cause the text analyzer in association with rule engine to apply one or more rule sets to the message content, whereby the result generated by application of one rule set to the message content determines the next rule set, or rule sets, be applied (figures 1 and 2; abstract; col. 1, lines 52-62; col. 2, lines 39-58; col. 3, lines 16-25).

However, Bushkirk fails to explicitly teach applying the one or more rule sets to the message content in accordance with a hierarchical structure. Eichstaedt teaches applying rules to message content in accordance with a hierarchical structure (abstract; figure 1; col. 1, lines 35-55). At the time the invention was made, one of ordinary skill in the art would have been motivated to apply rules to message content in accordance with a hierarchical structure because a hierarchical structure enables the possibility of rapidly applying the rule set to the message content because of its different level structure, therefore minimizing the classification time.

Regarding claim 2, Bushkirk teaches an electronic message processing system as claimed in claim 1, wherein the text analyzer and the rule engine are arranged to generate a respective result set for the or each rule set applied to the message content, classification module being arranged to determine respectively from the result set whether to classify the message category

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or cause a further rule set to be applied to the message content (col. 1, lines 52-62; col. 2, lines 39-58; col. 3, lines 16-25).

Regarding claim 3, Bushkirk teaches an electronic message processing system as claimed in claim 1, wherein the text analyzer includes the rule engine (figures 1 and 2).

Regarding claim 4, Bushkirk teaches an electronic message processing system as claimed in claim 3, wherein the classification module is arranged to instantiate a respective instance of the text analyzer for each rule set, each text analyzer instance being arranged to apply the respective set to the message content (col. 1, lines 52-62; col. 2, lines 39-58; col. 3, lines 16-25).

Regarding claim 5, Bushkirk teaches an electronic message processing system as claimed in claim 4, wherein each text analyzer instance associated with a respective lexical analysis tool (abstract).

Regarding claim 6, Bushkirk teaches an electronic message processing system as claimed in claim 1 wherein the lexical analysis tool includes a dictionary (figure 2: 105).

Regarding claim 7, Bushkirk teaches an electronic message processing system as claimed in claim 1 wherein the rule storage means comprises a plurality of rule files, each rule file containing a respective rule set (figure 2: 125).

Regarding claim 10, Bushkirk teaches a method of classifying an electronic message as claimed in claim 9 further including: instantiating for each rule set (figure 1); and arranging each text analyzer instance to apply its respective rule set to the message content (figures 1 and 2).

Regarding claim 11, Bushkirk teaches an electronic message processing system as claimed in claim 1, wherein the electronic messages to be processed include unstructured text-based messages (abstract).

Regarding claim 12, this is an electronic mail (e-mail) processing system comprising an electronic message processing system as claimed in claim 1, therefore is rejected under the same rationale.

Regarding claim 13, this is an SMS message processing system comprising an electronic message processing system as claimed in claim 1, therefore is rejected under the same rationale.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. USPN 6,477,551 issued to Johnson et al.
2. USPN 6,760,753 issued to Ohgushi et al.
3. USPN 6,417,930 issued to Mori.

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4. USPN 6,161,130 issued to Horvitz et al.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is (703) 305-5104. The examiner can normally be reached on Monday-Thursday (9:00 am-7:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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